

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

C.A. No. 1:19-cv-12551-FDS

Hon. F. Dennis Saylor IV

**STATEMENT OF MATERIAL DISPUTED
FACTS IN SUPPORT OF DEFENDANT GOOGLE LLC'S
OPPOSITION TO PLAINTIFF'S MOTION TO EXCLUDE CERTAIN
DOCUMENTS AND TESTIMONY OF DR. MIRIAM LEESER DUE TO IPR ESTOPPEL**

Pursuant to Fed. R. Civ. P. 56 and Local Rule 56.1, Defendant Google LLC (“Google”), submits this Statement of Material Disputed Facts in Support of its Opposition to Plaintiff Singular Computing LLC’s Motion to Exclude Certain Documents and Testimony of Dr. Miriam Leiser Due to IPR Estoppel (Dkt. 475). Google contends that the following are genuine issues of fact that preclude granting said motion:

1. Whether the source code for the VFLOAT system that Dr. Miriam Leiser helped develop in the early 2000s (“VFLOAT Source Code”), which was attached to Dr. Leiser’s December 22, 2022 expert report as **Exhibit D**, was sufficiently disseminated before the critical date, or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art exercising reasonable diligence can locate it, to qualify as a “printed publication.”

2. Whether the slides used by Dr. Leiser during her presentation at the 2002 High Performance Embedded Computing (HPEC) conference (“HPEC 2002 Slides”), which were attached to Dr. Leiser’s December 22, 2022 expert report as **Exhibit C**, were sufficiently disseminated before the critical date, or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art exercising reasonable diligence can locate it, to qualify as a “printed publication.”

3. Whether the abstract co-authored by Dr. Leiser and submitted to the organizers of HPEC 2002 to summarize her proposed presentation (“HPEC 2002 Abstract”), which was attached to Dr. Leiser’s December 22, 2022 expert report as **Exhibit H**, was sufficiently disseminated before the critical date, or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art exercising reasonable diligence can locate it, to qualify as a “printed publication.”

4. Whether the 2003 version of the VFLOAT webpage as archived by the Internet Archive (“March 2003 VFLOAT Webpage”), which was attached to Dr. Leeser’s December 22, 2022 expert report as **Exhibit E**, was sufficiently disseminated before the critical date, or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art exercising reasonable diligence can locate it, to qualify as a “printed publication.”

5. Whether the slides used by Dr. Leeser during her presentation at the 2004 Military and Aerospace Programmable Logic Devices (MAPLD) conference (“MAPLD ’04 Slides”), which were attached to Dr. Leeser’s December 22, 2022 expert report as **Exhibit I**, were sufficiently disseminated before the critical date, or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art exercising reasonable diligence can locate it, to qualify as a “printed publication.”

6. Whether the abstract co-authored by Dr. Leeser and submitted to the organizers of MAPLD ’04 to summarize her proposed presentation (“MAPLD ’04 Abstract”), which was attached to Dr. Leeser’s December 22, 2022 expert report as **Exhibit J**, was sufficiently disseminated before the critical date, or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art exercising reasonable diligence can locate it, to qualify as a “printed publication.”

7. Whether a skilled searcher conducting a diligent search reasonably could have been expected to discover the VFLOAT Source Code at or before the time that Google filed its November 2020 petitions for *inter partes* reviews of Singular’s asserted patents that resulted in final written decisions.

8. Whether a skilled searcher conducting a diligent search reasonably could have been expected to discover the HPEC 2002 Slides at or before the time that Google filed its

November 2020 petitions for *inter partes* reviews of Singular's asserted patents that resulted in final written decisions.

9. Whether a skilled searcher conducting a diligent search reasonably could have been expected to discover the HPEC 2002 Abstract at or before the time that Google filed its November 2020 petitions for *inter partes* reviews of Singular's asserted patents that resulted in final written decisions.

10. Whether a skilled searcher conducting a diligent search reasonably could have been expected to discover the March 2003 VFLOAT Webpage at or before the time that Google filed its November 2020 petitions for *inter partes* reviews of Singular's asserted patents that resulted in final written decisions.

11. Whether a skilled searcher conducting a diligent search reasonably could have been expected to discover the MAPLD '04 Slides at or before the time that Google filed its November 2020 petitions for *inter partes* reviews of Singular's asserted patents that resulted in final written decisions.

12. Whether a skilled searcher conducting a diligent search reasonably could have been expected to discover the MAPLD '04 Abstract at or before the time that Google filed its November 2020 petitions for *inter partes* reviews of Singular's asserted patents that resulted in final written decisions.

Respectfully submitted,

Dated: May 19, 2023

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CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

/s/ Nathan R. Speed

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